

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CRYSTAL BYRD and BRIAN BYRD,
Individually, and on Behalf of all Similarly
Situated Persons,

Plaintiffs,

-vs-

AARON'S, INC.; ASPEN WAY
ENTERPRISES, INC., d/b/a Aaron's Sales
and Leasing, a franchisee of Aaron's Inc.;
JOHN DOES (1-100) AARON'S
FRANCHISEES; and DESIGNERWARE,
LLC,

Defendants.

Civil No. 1:11-CV-101-SPB

**DEFENDANT ASPEN WAY
ENTERPRISES, INC.'S MOTION TO
DISMISS**

Pursuant to Fed. R. Civ. 12(b)(2), Defendant Aspen Way Enterprises, Inc. ("Aspen Way"), hereby moves the Court to dismiss it from this case for lack of personal jurisdiction because:

- (1) Aspen Way did not purposely avail itself of Pennsylvania in relation to the Byrds;
- (2) The Byrds' causes of action do not arise out of Aspen Way's extremely limited contact with Pennsylvania; and
- (3) The exercise of jurisdiction over Aspen Way would offend all notions of "fair play and substantial justice."

This Motion is supported by the Brief filed simultaneously herewith, which is accompanied by three Affidavits.

DATED this 6th day of June, 2011.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of June, 2011, I electronically filed the foregoing **DEFENDANT ASPEN WAY ENTERPRISES, INC.'S MOTION TO DISMISS** with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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